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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,141	10/27/2003	Matt R. Hogstrom	RSW920030188US1	3273
23550 7590 12/19/2008 HOFFMAN WARNICK LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			EXAMINER SALL, EL HADJI MALICK	
			ART UNIT 2457	PAPER NUMBER
			NOTIFICATION DATE 12/19/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

### Office Action Summary

**Application No.**

10/694,141

**Applicant(s)**

HOGSTROM ET AL.

**Examiner**

EL HADJI M. SALL

**Art Unit**

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to the request for continued examination filed on October 1, 2008. Claims 1, 10, 15, 17 and 20-21 are amended. Claims 1-22 are pending. Claims 1-22 represent method, system and program product for communicating over a network.

#### **2. *Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6, 10, 13-18 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Oliver et al. US 20080021969.

Oliver teaches the invention as claimed including signature generation using message summaries (see abstract).

As to claims 1, 10, 15 and 20, Oliver teaches a method, a system and a program product stored on a recordable medium for communicating over a network, the method comprising:

obtaining a set of rules for classifying messages on a client (paragraphs [0009] and [0030], Oliver discloses classifying spam messages using signatures based on message summaries (i.e. "a set of rules for classifying messages"). The process takes place on a mail client);

providing a message on the client to be sent to a server (paragraph [0031], Oliver discloses extracting information from the classified message and submit it to the server).

classifying the message on the client based on the set of rules (figure 2; paragraph [0030]); and

after classifying the message at the client, sending the message to the server based on the message classification, wherein the message classification determines how the message is routed for processing at the server (paragraphs [0030]-[0033]).

As to claim 2, Oliver teaches the method of claim 1, wherein the providing step comprises generating the message (paragraph [0009]).

As to claims 3, 14, 18 and 22, Oliver teaches the method of claims 1, 10 and 15, further comprising periodically requesting an updated set of rules from the server (paragraph [0022]).

As to claim 4, Oliver teaches the method of claim 1, wherein the classifying step includes matching an attribute of the message with at least one of the set of rules (paragraph [0024]).

As to claims 6 and 13, Oliver teaches the method of claims 1 and 10, further comprising opening a connection with the server for the message (figure 1).

As to claim 16, Oliver teaches the system of claim 15, further comprising a plurality of processing systems, wherein each processing system processes messages having a unique message classification (figure 2).

As to claims 17 and 21, Oliver teaches the system of claims 15 and 20, further comprising a classification system for classifying messages at a client (paragraph [0030], Oliver discloses classifying spam messages on a mail client).

#### **4. *Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 7-9, 11-12 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al. U.S. 7,200,636 in view of Ogimoto et al. U.S. 6,032,205.

Oliver teaches the invention substantially as claimed including signature generation using message summaries (see abstract)..

As to claim 5, Oliver teaches the method of claim 1

Oliver fails to teach explicitly adjusting a port for the message.

However, Ogimoto teaches crossbar switch system for always transferring normal messages and selectively transferring broadcast messages from input buffer to output buffer when it has sufficient space respectively. Ogimoto teaches adjusting a port for the message (column 4, lines 26-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Oliver in view of Ogimoto to provide adjusting a

communication protocol port for the message based on the classification prior to the sending step. One would be motivated to do so to allow signal line fit the port.

As to claims 7 and 8, Oliver teaches the method of claims 1 and 7, respectively.

Oliver fails to teach explicitly a first port.

However, Ogimoto teaches a first port (column 11, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Oliver in view of Ogimoto to provide receiving a response message from the server, wherein the classified message and the response message are communicated over a first communication protocol port, and wherein the first communication protocol port is not a default communication protocol port. One would be motivated to do so to allow transmitting the message (abstract).

As to claim 9, Oliver teaches the method of claim 1.

Oliver fails to teach explicitly a plurality of ports.

However, Ogimoto teaches separately monitoring a plurality of ports (column 13, lines 43-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Oliver in view of Ogimoto to provide separately monitoring a plurality of ports on the server for messages. One would be motivated to do so to allow maintaining the health of the network.

As to claims 11 and 19, Oliver teaches the method and the system of claims 10 and 15.

Oliver fails to teach explicitly a unique port.

However, Ogimoto teaches a unique port (column 11, lines 21-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Oliver in view of Ogimoto to provide receiving a classified message from the client through a unique communication protocol port. One would be motivated to do so to allow determine whether the message is a normal message or a broadcast message (column 11, lines 23-24).

As to claim 12, Oliver teaches the method of claim 11, further comprising:  
processing the classified message (paragraph [0030]);  
sending a response message to the client (paragraph [0031]).

## **6. Conclusion**

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the



claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/El Hadji M Sall/

Examiner, Art Unit 2457

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457